

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

**SVETLANA GITERMAN,**

:

**Plaintiff**

:

**CIVIL ACTION NO. 3:16-0402**

:

**v.**

:

**(JUDGE MANNION)**

**POCONO MEDICAL CENTER,  
POCONO HEALTH SYSTEM  
and WHITESTONE CARE  
CENTER, LLC,**

:

:

**Defendants**

:

**VERDICT SLIP**

**Pocono Medical Center**

1. Do you find by a preponderance of the evidence that the Plaintiff was denied the benefits of, or excluded from participation in, Defendant Pocono Medical Center, Pocono Health System's services, programs, or activities, or was otherwise discriminated against?

Answer: \_\_\_\_\_ Yes   X   No

IF YOU ANSWERED "YES" TO QUESTION 1, PROCEED TO QUESTION 2.

IF YOU ANSWERED "NO" TO QUESTION 1, YOUR DELIBERATIONS ARE AT AN END AS TO POCONO MEDICAL CENTER. PROCEED TO QUESTION 5 AND ANSWER THE QUESTIONS BELOW AS TO WHITESTONE CARE CENTER.

**COURT EXHIBIT #1**

2. Do you find by a preponderance of the evidence that Defendant Pocono Medical Center, Pocono Health System acted with deliberate indifference to plaintiff Giterman's rights because of her disability?

Answer: \_\_\_\_\_ Yes \_\_\_\_\_ No

IF YOU ANSWERED "NO" TO QUESTION 2, PROCEED TO QUESTION 4.

IF YOU ANSWERED "YES" TO QUESTION 2, PROCEED TO QUESTION 3.

3. State the total amount of compensatory damages, if any, which you find Plaintiff Svetlana Giterman has proven by a preponderance of the evidence that will fairly compensate her for any emotional distress injuries you find she actually sustained as a result of Defendant Pocono Medical Center, Pocono Health System's violation of her federal rights.

Answer: \$ \_\_\_\_\_

IF YOU FIND THAT PLAINTIFF WAS DEPRIVED OF A FEDERAL RIGHT BUT SUFFERED NO ACTUAL EMOTIONAL DISTRESS INJURIES AS A RESULT OF THAT DEPRIVATION, PROCEED TO QUESTION 4.

4. If you answered "yes" to question 1 and "no" to question 2, then you must award nominal damages of \$1.00. Therefore, if you find that Plaintiff was deprived of a federal right but find Defendant Pocono Medical Center, Pocono Health System's, did not act with deliberate indifference, you must enter \$1.00 as nominal damages below.

Nominal Damages: \$ \_\_\_\_\_

PROCEED TO SPECIAL VERDICT QUESTIONS PERTAINING TO WHITESTONE CARE CENTER BEGINNING WITH QUESTION 5.

**Whitestone Care Center**

5. Do you find by a preponderance of the evidence that the Plaintiff was excluded from participation in, or denied the benefits of, Defendant Whitestone Healthcare Group, LLC (also known as Whitestone Care Center's) services, programs, or activities, or otherwise was discriminated against?

Answer: \_\_\_\_\_ Yes   X   No

IF YOU ANSWERED "YES" TO QUESTION 5, PROCEED TO QUESTION 6.

IF YOU ANSWERED "NO" TO QUESTION 5, YOUR DELIBERATIONS ARE AT END. SIGN AND DATE THE VERDICT FORM, PLACE THE VERDICT FORM IN THE ENVELOPE PROVIDED AND INFORM THE COURT SECURITY OFFICER THAT YOU HAVE A VERDICT.

6. Do you find by a preponderance of the evidence that Defendant Whitestone Healthcare Group, LLC (a.k.a. Whitestone Care Center) acted with deliberative indifference to plaintiff Giterman's rights because of her disability?

Answer: \_\_\_\_\_ Yes \_\_\_\_\_ No

IF YOU ANSWERED "NO" TO QUESTION 6, PROCEED TO QUESTION 8.

IF YOU ANSWERED "YES" TO QUESTION 6, PROCEED TO QUESTION 7.

7. State the total amount of compensatory damages, if any which you find Plaintiff has proven by a preponderance of the evidence that will fairly compensate her for any injury you find she actually sustained as a result of the Defendant Whitestone Healthcare Group, LLC's (a.k.a. Whitestone Care Center's) violation of her federal rights.

Answer: \$ \_\_\_\_\_

IF YOU FIND THAT PLAINTIFF WAS DEPRIVED OF A FEDERAL RIGHT BUT SUFFERED NO ACTUAL INJURIES AS A RESULT OF THAT DEPRIVATION, PROCEED TO QUESTION 8.

8. If you answered "yes" to question 5 and "no" to question 6, then you must award nominal damages of \$1.00. Therefore, if you find that Plaintiff was deprived of a federal right but find Defendant Whitestone Healthcare Group, LLC (a.k.a. Whitestone Care Center) did not act with deliberate indifference, you must enter \$1.00 as nominal damages below.

Nominal Damages: \$\_\_\_\_\_

**YOUR DELIBERATIONS HAVE CONCLUDED.**

PLEASE SIGN AND DATE THE VERDICT SLIP, PLACE IT IN THE ENVELOPE PROVIDED AND INFORM THE COURT SECURITY OFFICER THAT YOU HAVE A VERDICT.

**JURY FOREPERSON**

Dated: 4/30/2019